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4 KELLY MOORE PAINT COMPANY,
5 INC.,

6 Plaintiff,

7 v.

8 NATIONAL UNION FIRE INSURANCE
9 CO. OF PITTSBURGH, PA,

10 Defendant.

11 Case No. [14-cv-01797-MEJ](#)

12 **CONDITIONAL DISMISSAL**

13 The Court having been advised that the parties have agreed to a settlement of this case, **IT**
14 **IS HEREBY ORDERED** that this case is **DISMISSED WITHOUT PREJUDICE**. However, if
15 any party hereto shall certify to this Court, within ninety (30) days, with proof of service thereof,
16 that the agreed consideration for said settlement has not been delivered over, the foregoing order
17 shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial. The
18 Clerk of Court shall close the file.

19 If no certification is filed, after passage of ninety (30) days, the dismissal shall be **with**
20 prejudice.

21 **IT IS SO ORDERED.**

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23 Dated: April 27, 2015

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26 MARIA-ELENA JAMES
27 United States Magistrate Judge
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